

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
AUG 30 2007
For C. Valle
JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

CHERYL F. JOHNSON,

Plaintiff,

v.

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY

Defendant

CIVIL No. 3:06cv00038

MEMORANDUM OPINION and ORDER

JUDGE NORMAN K. MOON

On August 14, 2006, I referred this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The parties subsequently filed cross motions for summary judgment and on July 13, 2007, the Magistrate Judge filed a Report and Recommendation ("Report"). In the Report, Judge Crigler recommended that I reverse the Commissioner's final decision and grant plaintiff's motion for summary judgment to that extent, but remand to the Commissioner for further proceedings under Sentence 4 of 42 U.S.C. § 405(g). After a review of the entire record in this case, and no objection having been filed to the Report within ten days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. the July 13, 2007, Report shall be, and it hereby is, ADOPTED in its entirety;
2. plaintiff's Motion for Summary Judgment is GRANTED to the extent described in the report
3. the case is hereby REMANDED to the Commissioner for further proceedings

consistent with the direction given in the Report.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:

Anna L. Moon

United States District Judge

August 30, 2007

Date